

REPOSITORY DOE/PASO
 COLLECTION DOE/NV
 BOX No 1234
 FOLDER BIKINI - CIVIL SUIT
75-348 Filing
Transcript of Proceedings

405450

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

THE PEOPLE OF BIKINI, by THE BIKINI
 COUNCIL; LORE KESSIBUKI, Magistrate;
 MATMAN NOTE, scribe; JUKIA JAKEO; TOMAKI
 JUBA; JORNEA LEVITICUS; and HENCHI
 BALOS.
 Plaintiffs,

vs.

ROBERT C. SEAMANS, JR., Administrator,
 United States Energy Research and
 Development Administration; WILLIAM J.
 STANLEY, Director, Pacific Area Support
 Office, United States Energy Research
 and Development Administration; JAMES R.
 SCHLESINGER, Secretary of Defense; KENT
 FRIZZELL, Acting Secretary of Interior;
 FRED M. ZEDER, Director, Office of
 Territories, United States Department
 of Interior; EDWARD E. JOHNSTON, High
 Commissioner, Trust Territory of the
 Pacific Islands; OSCAR DEBRUM, District
 Administrator, Marshall Islands
 District, Trust Territory of the
 Pacific Islands; and GERALD R. FORD,
 President of the United States,
 Defendants.

CIVIL NO. 75-348

BEST COPY AVAILABLE

NOTICE TO CLERK OF UNITED STATES DISTRICT
 COURT OF FILING OF COMPLEX LITIGATION

This Notice is filed with the Clerk according to
 the form and procedure set forth by 1 Pt. 2 Moore's Federal
 Practice, Pt. 0.23(3). (1973).

INTRODUCTION

While counsel for Plaintiffs do not believe the
 preliminary stages of this litigation present particularly
 unusual or difficult problems for purposes of mechanical
 handling of this case, it is our judgment that later phases

ATTORNEYS:
 Clerk
 Court
 Keala K. Tanaka

of the case, after the hearing on Plaintiffs' Motion for Preliminary Injunction, do present special and unique problems bringing this case within the definition of "Complex Litigation" set forth in Moore's Federal Practice. That is so because this case will involve a need for certification of a class as a Rule 23 class action, because it will involve a possible need for a Multi-District Panel during the later phases of discovery and because problems of communication and logistics among attorneys and Defendants spread over ten time zones from Saipan to Washington will undoubtedly necessitate special procedures for handling of notices and hearings. Finally, the subject matter of the litigation is Environmental Impact of the post world war II nuclear testing program of the United States, one of the technologically most sophisticated series of transactions in history.

APPOINTMENT OF LEAD COUNSEL

Plaintiffs hereby advise the Court that they have agreed as suggested by Moore's Federal Practice, upon lead counsel for all phases of the litigation. George M. Allen of the Micronesian Legal Services Corporation (MLSC) Marshalls Office, is hereby appointed lead counsel for Plaintiffs for all phases of litigation.

It is suggested that if Defendants can agree upon appointment of either lead counsel, representing all agencies or, at the very least, liason counsel, such a step will facilitate the handling of communications and logistics.

MULTI-DISTRICT PROBLEMS

Counsel for Plaintiffs are not aware, at this time, of what other litigation may presently be pending elsewhere

which has relevance to the substantive issues in this case. The first phase of interrogatories, which are being served contemporaneous with the filing of this action, upon all Defendants, seek information from Defendants as to other litigation which may be presently pending involving similar or identical factual issues or issues of law to those related to this case.

Only after counsel for both sides have had an opportunity to canvass other districts will it be possible to determine whether there is need for appointment of a multi-district panel or for special multi-district handling of discovery or any other phase of this litigation.

Counsel for Plaintiffs believe, at this time, that it is probable that there is other pending litigation which will be relevant to this case and that attention to multi-district problems at the earliest possible date is warranted.

PROBLEMS OF LOGISTICS AND COMMUNICATIONS

The difficulty of virtually all forms of communications and transportation within the Trust Territory of the Pacific Islands, combined with the geographic sprawl of counsel and parties will inevitably require special handling of this litigation.

Counsel for Plaintiffs believe it wise to identify particular problems at this stage in order that they can be dealt with at the First Pre-Trial Conference. Among the problems which can be identified at this time are the following:

1. Kili Island, where most of the Plaintiffs and the class members whom they represent now live is inaccessible from four to six months each year because of winter surf

conditions. Regular access to Kili under the best conditions is difficult, being by Field Trip Ship from Majuro, via Jaluit, a trip of at least four days' duration, on a basis of scheduling which is, at best, erratic.

For example, at the present time, two of Plaintiffs' most important witnesses for the hearing on the Motion for Preliminary Injunction, Lore Kessibuki, the Magistrate of the Bikini Council and Tomaki Juda, one of the named Plaintiffs, live on Kili Island. Winter surf conditions will commence in November and continue through April or May. Thus, it is necessary that the Motion for Preliminary Injunction be heard at the earliest possible date in order that these two witnesses can return to Majuro to take the Field Trip Ship to Kili before surf conditions become such that they would be unable to return to their present homes and to their families for a period of six months.

Communication between Kili and the Marshalls District Office of MLSC at Majuro is solely by radio telephone, a situation which obtains for all attorney client communication between counsel for Plaintiffs at Majuro and all of the Bikini People except for those who live on Majuro.

The radio telephone communications are on open circuits, making confidential communication between counsel and clients impractical.

Voice communication between Majuro and either Saipan or elsewhere in the world is difficult to impossible and, in any event, cannot be relied upon as a means of communication. Cables are transmitted over open circuits, again making confidential communication among counsel for Plaintiffs impractical except by means of regular mail.

Regular mail requires substantial periods of time because Majuro is served by air on an every-other-day basis, with a flight eastbound three days a week and a flight westbound three days a week. There is no plane on Sunday.

LANGUAGE PROBLEMS

While some of the named Plaintiffs and persons they represent are bi-lingual, in both English and Marshallese, most of the members of the Bikini community read and write Marshallese only.

None of the counsel for Plaintiffs is, at this point, able to speak or read Marshallese. George M. Allen, a lead counsel, is presently learning the Marshallese language.

Appointment of one or more official translators will be necessary for handling of court proceedings where witnesses must testify in Marshallese.

Additionally, some expert testimony may come from witnesses whose only language or primary language is Japanese. The subject matter of this litigation involve nuclear testing and its consequences. A related field of expertise is radiation medicine, a field in which Japanese doctors and scientists are expert and to which they have contributed a substantial body of scientific research and literature. There may be need for translation from English to Japanese and vice versa as well as from English to Marshallese and vice versa.

PROCEEDINGS OUTSIDE THE DISTRICT

There may be necessity or desirability for some proceedings, including both discovery and taking of evidence, to take place outside the District of Hawaii. For example, it may be necessary or desirable for the Court to view and inspect the prospective living places of the Plaintiffs in

the Marshall Islands; it may be necessary or desirable for the Court to take testimony and receive other evidence in the Marshall Islands in order to avoid transportation of numerous witnesses to Honolulu and it may be necessary or desirable for evidence to be taken in Washington D.C., the location of many expert witnesses and agency officials of the Defendant Agencies.

COOPERATION AMONG COUNSEL AND COURT

Obviously, the maximum possible cooperation among counsel and court will be required for this litigation to be handled expeditiously. Plaintiffs' counsel will make every possible effort to be cooperative with the Court and with all other counsel at all times in order to avoid difficulties which would otherwise ensue.

FIRST PRE-TRIAL CONFERENCE

It is respectfully submitted a preliminary pre-trial conference should be held at the earliest possible date, either immediately preceding or immediately following the Hearing on Plaintiffs' Motion for Preliminary Injunction, in order to address the potential problems of this litigation and agree upon preliminary ground rules for handling them at the earliest possible date.

Respectfully submitted,

GEORGE M. ALLEN
Micronesian Legal Services Corporation
Marshalls Office
P. O. Box 376
Majuro, Marshall Islands 96960
Telephone: 227
Cable Address: Microlex

DANIEL H. MACMEEKIN
THEODORE R. MITCHELL
EDWARD C. KING
ANN E. ALLEN

con't.

Micronesian Legal Services Corporation
Central Office
P. O. Box 826
Saipan, Mariana Islands 96950
Telephone: 6228/6471/6472
Cable Address: Microlex

JONATHAN M. WEISGALL
Covington & Burling
888 - 16th Street, N. W.
Washington, D. C. 20006
Telephone: 202-452-6218
Telex: 89-593
Cable Address: Covling

PAUL ALSTON
STANLEY E. LEVIN
Legal Aid Society of Hawaii
Suite 404
200 N. Vineyard Blvd.
Honolulu, Hawaii 96817
Telephone: 808-536-4302

By 

GEORGE M. ALLEN

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

THE PEOPLE OF BIKINI, by THE BIKINI
COUNCIL; LORE KESSIBUKI, Magistrate;
NATHAN NOE, Scribe; JUKIA JAKEO; TOMAKI
JUDA; JORNEA LEVITICUS; and HENCHI
BALOS,

Plaintiffs,

vs.

ROBERT C. SEAMANS, JR., Administrator,
United States Energy Research and
Development Administration; WILLIAM J.
STANLEY, Director, Pacific Area Support
Office, United States Energy Research
and Development Administration; JAMES R.
SCHLESINGER, Secretary of Defense; KENT
FRIEZELL, Acting Secretary of Interior;
FRED M. ZEDER, Director, Office of
Territories, United States Department
of Interior; EDWARD E. JOHNSTON, High
Commissioner, Trust Territory of the
Pacific Islands; OSCAR DEBRUM, District
Administrator, Marshall Islands
District, Trust Territory of the
Pacific Islands; and GERALD R. FORD,
President of the United States,

Defendants.

CIVIL NO. _____

CIV 75-0348

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

1975

at 4 o'clock and 34 minutes
WALTER A.Y.H. CHING, Clerk
Deputy

VERIFIED COMPLAINT

SUMMONS

GEORGE M. ALLEN
Micronesia Legal Services Corporation
Marshalls Office
P. O. Box 376
Majuro, Marshall Islands 96960
Telephone: 227
Cable Address: Microlex

con't.

DANIEL H. MACMEEKIN
THEODORE R. MITCHELL
EDWARD C. KING
ANN E. ALLEN
Micronesian Legal Services Corporation
Central Office
P. O. Box 826
Saipan, Mariana Islands 96950
Telephone: 6228/6471/6472
Cable Address: Microlex

JONATHAN M. WEISGALL
Covington & Burling
888 - 16th Street, N. W.
Washington, D. C. 20006
Telephone: 202-452-6218
Telex: 89-593
Cable Address: Covling

PAUL ALSTON
STANLEY E. LEVIN
Legal Aid Society of Hawaii
Suite 404
200 N. Vineyard Blvd.
Honolulu, Hawaii 96817
Telephone: 808-536-4302

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

THE PEOPLE OF BIKINI, by THE BIKINI)
COUNCIL; LORE KESSIBUKI, Magistrate;)
NATHAN NOTE, Scribe; JUKIA JAKEO; TOMAKI)
JOSIAH JORMEA LEVITICUS; and HENCHI)
BALLO,)

Plaintiffs,)

vs.)

ROBERT C. SEAMANS, JR., Administrator,)
United States Energy Research and)
Development Administration; WILLIAM J.)
STANLEY, Director, Pacific Area Support)
Office, United States Energy Research)
and Development Administration; JAMES R.)
SCHLESINGER, Secretary of Defense; KENT)
FRIBELL, Acting Secretary of Interior;)
FRED M. ZEDER, Director, Office of)
Territories, United States Department)
of Interior; EDWARD E. JOHNSTON, High)
Commissioner, Trust Territory of the)
Pacific Islands; OSCAR DEBRUM, District)
Administrator, Marshall Islands)
District, Trust Territory of the)
Pacific Islands; and GERALD R. FORD,)
President of the United States,)

Defendants.)

CIVIL NO. _____

VERIFIED COMPLAINT

We, the people of Bikini, come before this Court as Plaintiffs and through our attorneys, allege as follows:

INTRODUCTION

1. We, as hereditary and elected leaders of Bikini, bring this action on behalf of the People of Bikini, to compel Defendants to plan, develop, and implement the Bikini resettlement program in accordance with their obligations under the National Environmental Policy Act and Trusteeship Agreement for the Former Japanese Mandated Islands.

JURISDICTION AND VENUE

2. The Court has jurisdiction of this action under the National Environmental Policy Act, 42 U.S.C. §§4321 et seq.; the Trusteeship Agreement for the Former Japanese Mandated Islands, 61 Stat. 3301, T.I.A.S. No. 1665; 28 U.S.C. §1331; 28 U.S.C. §1361; and 28 U.S.C. §2201. The matter in controversy exceeds the value of ten thousand dollars, exclusive of interest and costs. Venue is properly laid in in this district under 28 U.S.C. §1391.

PARTIES

Plaintiffs

3. All of us, the Plaintiffs, are citizens of the Trust Territory of the Pacific Islands (also known as Micronesia) and are residents of the Marshall Islands District. All of us, furthermore, were residents of Bikini Atoll at the time of that atoll's evacuation in 1946 prior to Operation Crossroads, the first of the American atomic tests in the Pacific, or are direct descendants of such residents.

a. Plaintiff Bikini Council is the governing body of the Bikini community. Membership in the Council is determined in accordance with our custom and tradition.

b. Plaintiff Lore Kessibuki is a citizen of the Trust Territory of the Pacific Islands, a member of the Bikini community, and is Magistrate of our community. As such, he is the highest executive official of our community. Plaintiff Kessibuki was born on Bikini Atoll, in the Marshall Islands, in 1910. He was a resident of Bikini Atoll until his relocation therefrom in 1946 prior to the Operation Crossroads nuclear tests. He now lives on Kili Island in the Marshall Islands.

c. Plaintiff Nathan Note is a citizen of the Trust Territory of the Pacific Islands and a member of the Bikini community. He holds the position of Scribe within our community. He was born on Bikini Atoll, in the Marshall Islands, in 1918. He was residing at Ailinglaplap Atoll in the Marshall Islands in 1946 when the members of the Bikini community present on Bikini Atoll were relocated from that atoll prior to the Operation Crossroads nuclear tests. He is presently living at Jaluit Atoll in the Marshall Islands.

d. Plaintiff Jukia Jakeo is a citizen of the Trust Territory of the Pacific Islands and a member of the Bikini community. He was born on Bikini Atoll, in the Marshall Islands. He was a resident of Bikini Atoll in 1946 when all members of our community present on Bikini Atoll were relocated therefrom prior to the Operation Crossroads nuclear tests. He now resides on Bikini Island at Bikini Atoll.

e. Plaintiff Tomaki Juda is a citizen of the Trust Territory of the Pacific Islands and a member of our community. He was born on Bikini Atoll in 1940 and resident there until his relocation therefrom in 1946 prior to the Operation Crossroads nuclear tests. He now lives on Kili Island in the Marshall Islands.

f. Plaintiff Jornea Leviticus is a citizen of the Trust Territory of the Pacific Islands and a member of our community. He was born on Bikini Atoll in the Marshall Islands in 1936 and resided there until his relocation therefrom in 1946 prior to the Operation Crossroads nuclear tests. From late 1972 until July 1975, he resided on Bikini Island in Bikini Atoll in the Marshall Islands. He is now living on Majuro Atoll in the Marshall Islands.

g. Plaintiff Henchi Balos is a citizen of the Trust Territory of the Pacific Islands, and a member of our community. He was born on Bikini Atoll in 1945 and resided there until his relocation therefrom in 1946 prior to the Operation Crossroads nuclear tests. He now lives on Majuro Atoll in the Marshall Islands.

(next paragraph starts on
next page)

7. We bring this action pursuant to Rule 23 of the Federal Rules of Civil Procedure, on behalf of ourselves and all others similarly situated, including all living persons who were residents of Bikini Atoll prior to the 1946 evacuation and all living descendants of such persons.* The members of the class on behalf of whom we bring this action are so numerous as to make it impractical to bring them all before the Court. There are common questions of law and fact, and our claims are typical of the claims of the class. We will adequately and fairly protect the interests of the class. Defendants have acted, and refused to act, on grounds generally applicable to the entire class, thereby making appropriate final declaratory and injunctive relief with respect to the class as a whole.

Defendants

8. Defendant Robert C. Seamans, Jr., is Administrator of the United States Energy Research and Development Administration (ERDA), which, as of January 19, 1975, assumed all functions of the United States Atomic Energy Commission relevant herein. As Administrator of ERDA, defendant Seamans is the principal executive official of ERDA. Upon information and belief, he is a resident of Washington, D.C.

9. Defendant William J. Stanley is Director of the Pacific Area Support Office of the United States Energy Research and Development Administration. As Director of the Pacific Area Support Office, defendant Stanley is the principal executive

*Nine members of our Bikini community were absent from Bikini Atoll at the time of the 1946 evacuation for reasons of employment, hospitalization, or education. We consider them and their descendants to be within the class.

Officer of the Pacific Area Support Office. Upon information and belief, he is a resident of Oahu Island, Hawaii.

10. Defendant James R. Schlesinger is Secretary of Defense. As Secretary of Defense, defendant Schlesinger is the principal Federal official charged with the responsibility to ensure that the activities of the Department of Defense are carried out in accordance with the law. Upon information and belief, he is a resident of Washington, D.C.

11. Defendant Kent Frizzell is acting Secretary of the Interior. As acting Secretary of the Interior, defendant Frizzell is the principal Federal official with direct responsibility for the administration of the Trust Territory of the Pacific Islands. He holds all executive, legislative, and judicial powers in the Trust Territory, and determines the manner in which those powers are exercised in the Trust Territory. Upon information and belief, he is a resident of Washington, D.C.

12. Defendant Fred M. Zeder is Director of the Office of Territories in the Department of the Interior. As Director of the Office of Territories, defendant Zeder has direct responsibility for assuring that the activities of the Department of the Interior in the Trust Territory of the Pacific Islands are carried out in accordance with the law. Upon information and belief, he is a resident of Washington, D.C.

13. Defendant Edward E. Johnston, a citizen of the United States is High Commissioner of the Trust Territory of the Pacific Islands. As High Commissioner, defendant Johnston is the leading official of the executive branch of the Trust Territory government. Appointed to his position by the President of the United States, with the advice and consent of the United States Senate, he is subject to the supervision and direction of, and control by, the

Secretary of the Interior, and by other persons, including defendant Zeder, in the chain of command of the Department of the Interior. Authority exercised by him as High Commissioner is derived solely from the Government of the United States and is an exercise of the authority of the United States in the Trust Territory. Defendant Johnston officially resides on Saipan, in the Mariana Islands, part of the Trust Territory.

14. Defendant Oscar DeBrum is District Administrator of the Marshall Islands District of the Trust Territory of the Pacific Islands. As District Administrator, defendant DeBrum is the principal executive official in the government of the Marshall Islands district. Defendant DeBrum was appointed to his position by the High Commissioner, is subject to the supervision and direction of, and control by, the High Commissioner, and serves at the pleasure of the High Commissioner. Defendant DeBrum is a citizen of the Trust Territory and a resident of Majuro Atoll in the Marshall Islands District of the Trust Territory.

15. Defendant Gerald R. Ford is the President of the United States. As President, defendant Ford is successor to former President Lyndon B. Johnson, who ordered the commencement of the Bikini resettlement program. Defendant Ford is the only federal official with executive authority over all government agencies involved in the Bikini resettlement program. In addition, defendant Ford has constitutional responsibility for the faithful execution of the laws and treaties of the United States, including the Trusteeship Agreement for the Former Japanese Mandated Islands. President Ford officially resides in Washington, D.C.

STATEMENT OF THE CASE

Background

16. Bikini Atoll is located in the Ralik Chain of the Marshall Islands, north of the Equator, in the west-central part of the

Pacific Ocean between eleven degrees twenty-nine minutes (11°29') and eleven degrees forty-three minutes (11°43') north latitude and between one hundred sixty-five degrees eleven minutes (165°11') and one hundred sixty-five degrees thirty-five minutes (165°35') east longitude.

17. The Marshall, Caroline and Mariana Islands are the component parts of the Trust Territory of the Pacific Islands (hereinafter "the Trust Territory"), also known as Micronesia.

18. Micronesia is located in the Western Pacific and consists of more than 2,000 islands and atolls with a total land area of approximately 687 square miles dispersed throughout an ocean area of more than 3,000,000 square miles.

19. Pursuant to a Congressional Joint Resolution of July 18, 1947, 61 Stat. 397, President Harry S. Truman approved, on behalf of the United States, the Trusteeship Agreement for the Former Japanese Mandated Islands (hereinafter "the Trusteeship Agreement"), 61 Stat. 3301, T.I.A.S. No. 1665. The Trusteeship Agreement between the United Nations and the United States imposes fiduciary obligations upon the United States. These obligations were assumed by the United States expressly for the benefit of the people of the Trust Territory, including ourselves, the people of Bikini Atoll. Pursuant to the Trusteeship Agreement, the United States promised to:

. . . promote the development of the inhabitants of the Trust Territory toward self-government or independence [Article 6(1)];

. . . develop their participation in government [Article 6(1)];

. . . give due recognition to the customs of the inhabitants in providing a system of law for the territory [Article 6(1)];

. . . promote the economic advancement and self-sufficiency of the inhabitants . . . [Article 6(2)];

. . . protect the inhabitants against the loss of their lands and resources . . . [Article 6(2)];

. . . protect the rights and fundamental freedoms of all elements of the population without discrimination . . . [Article 6(3)]; and

. . . protect the health of the inhabitants . . . [Article 6(3)].

The Trusteeship Agreement creates substantive rights for its beneficiaries which are judicially enforceable.

20. President Truman initially delegated administrative responsibility for the Trust Territory to the Secretary of the Navy in 1947. Exec. Order No. 9875, 12 F.R. 4837, 3 C.F.R. 658 (1943-48 Comp.). In 1951, administrative responsibilities were transferred to the Department of the Interior. Exec. Order No. 10265, 16 F.R. 6-19, 3 C.F.R. 766 (1949-53 Comp.). The Marshall Islands, including Bikini Atoll, have been administered by the Department of the Interior since 1951.

21. In 1954, Congress passed an Enabling Act, 48 U.S.C. § 1681 et seq., providing for the continuance of civil government in the Trust Territory. Section 1681(a) contains the following provisions:

Until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize.

22. President John F. Kennedy delegated to the Secretary of the Interior the responsibility for the civil administration of all of the Trust Territory in 1962. Exec. Order No. 11021, 27 F.R. 4409, 3 C.F.R. 600 (1959-63 Comp.). Section 2 of this Order provides that the authority given to the Secretary of the Interior "may be exercised through such officers or employees of the Department of the Interior, or through such other persons under the jurisdiction of the Secretary of the Interior, as the Secretary may designate, and shall be exercised in such manner as the Secretary, or any person or persons acting

under the authority of the Secretary, may direct or authorize." As more fully set forth in paragraphs 23 through 28 below, the Trust Territory, for all material purposes, is governed and controlled by the United States. The High Commissioner of the Trust Territory and other subordinate officials are agents of the Secretary of the Interior.

23. The Secretary of the Interior has the ultimate responsibility for the administration of the Trust Territory. He is assisted by the Director of the Office of Territories.

24. The Department of the Interior reviews the budget of the Trust Territory and submits it to the U.S. Congress. The U.S. Congress appropriates the budget. The High Commissioner of the Trust Territory, by virtue of Department of the Interior Order No. 2918, Part II, § 6, is required to obtain the prior approval of the Secretary of the Interior for any significant deviation from the budget justification presented to the U.S. Congress and for any significant transfer of funds between programs or between administration and construction funds.

25. In Department of the Interior Order No. 2918, dated December 27, 1968, the Secretary of the Interior proclaimed that "[t]he executive authority of the Government of the Trust Territory . . . shall be vested in a High Commissioner of the Trust Territory and shall be exercised and discharged under the supervision and direction of the Secretary."

26. The executive branch of the Trust Territory Government includes a High Commissioner, a Deputy High Commissioner, and various "cabinet" officers. The President of the United States, with the advice and consent of the United States Senate, appoints the High Commissioner. The Secretary of the Interior appoints the Deputy High Commissioner. The High Commissioner appoints the "cabinet" officers, who have often been U.S. citizens. Trust Territory citizens are given no opportunity to

Vote for or against any member of the executive branch, and they have no power to effect the removal of a member of the executive branch for any reason.

27. The justices of the Trust Territory High Court are appointed by the Secretary of the Interior. They have no term of office and are subject to removal from the High Court by the Secretary at his pleasure. The people of the Trust Territory have no control over the identities of the persons appointed and no power to effect the removal of a judge for any reason.

28. The Congress of Micronesia is a bicameral legislature elected by the people of the Trust Territory. Although it can examine appointments to cabinet level positions, its advice and consent power is limited. It has no authority whatsoever to examine the appointment of judges. Bills passed by the Congress of Micronesia can be, and often are, vetoed by the High Commissioner. The Secretary of the Interior can veto any bill passed over the High Commissioner's veto. The Secretary's veto cannot be overridden by the Congress of Micronesia. In addition, the Secretary of the Interior retains the power to impose legislation upon the people of the Trust Territory without the concurrence of the Congress of Micronesia. This power was exercised as recently as December, 1974. Department of the Interior Order No. 2969, December 26, 1974.

Our Exile From Bikini

29. Bikini Atoll is our home. Our ancestors settled the Atoll long before the Russian explorer Otto Von Kotzebue became, in 1824, the first European to discover the Atoll. We have resided there since time immemorial until exiled by the United States in 1946 to make way for nuclear testing.

30. In early 1946 we were removed by the United States from our ancestral homeland because Bikini Atoll had been selected as a nuclear test site by the United States. We did not desire relocation, but we had no real alternative other than submission to the plans

of the United States. At the time of the move, we were promised the return of our island when the need for it as a testing site ended and when residual radioactivity no longer constituted a hazard to our health.

31. In 1946, and prior thereto, although we occasionally purchased imported items, we primarily relied upon the resources of Bikini Atoll and its lagoon for the satisfaction of all our material needs. We were also able to produce copra for export to provide us with funds for those imported items we did purchase. Although our standard of living may have been low when measured by the terms identified with "Western" or modern civilization, we were in the main economically self-sufficient and not unhappy with our lot.

32. From Bikini Atoll we were removed to Rongerik Atoll, also in the Ralik Chain of the Marshall Islands, some 130 miles east of Bikini Atoll.

33. Rongerik Atoll contains approximately twenty-eight per cent the land area of Bikini Atoll and encloses a lagoon of less than one-quarter the area of the lagoon at Bikini Atoll. The life-sustaining coconut palms and pandanus on Rongerik Atoll were, when we arrived, considerably less productive than those on Bikini Atoll, and the quantity and quality of fish and other marine fauna in the lagoon of Rongerik were markedly inferior to those of Bikini. Many of the species of fish we commonly ate at Bikini proved to be toxic in Rongerik's waters.

34. As a result of the inadequate food supplies at Rongerik Atoll, we were eventually reduced to a condition of near-starvation. In early 1948, the military government of the Trust Territory sent an American anthropologist to Rongerik Atoll to investigate the conditions there. He reported correctly that we had been cutting down the young palm trees in order to eat the heart-of-palm (the taking of which kills the tree), because there was nothing else to eat. By early 1948 most of the young trees had been eaten. Our

Fishing efforts were reduced because Rongerik's coconuts were of such poor quality that they could not produce the sennit we needed to lash our fishing canoes together and to serve as rigging. On January 31, 1948, the only food on the island was one bag of flour, which was mixed with a little water and doled out to the 167 of us resident there at that time. All ripe pandanus and coconut fruits had long since been eaten, along with the only fish that could be procured, a small slightly poisonous butterfly fish. In response to emergency messages, a doctor and emergency supplies were flown to Rongerik in February, 1948. The doctor examined us and pronounced our condition to be that of a starving people.

35. As a consequence of the grave situation on Rongerik, on March 14, 1948, we were moved by the U.S. Navy to the, for us, totally alien environment of the U.S. military base at Kwajalein Atoll.

36. The stay at Kwajalein was never intended to be other than temporary, and in late 1948 we were moved to the island of Kili, also in the Ralik Chain of the Marshalls, but about 500 miles south southeast of Bikini Atoll.

37. Kili is an island, not an atoll. Kili has neither a lagoon nor sheltered fishing grounds. Because of the absence of a lagoon and the fact that Kili's longitudinal axis lies almost parallel to the northeast tradewinds, from late October to late spring each year there is no protected anchorage, and the island is virtually cut off from access by vessel during this period. The high surf conditions that predominate during this part of the year also greatly restrict our deep-sea fishing efforts.

38. Kili Island's 230 acres are approximately one-sixth the land area of Bikini Atoll and about one-half the land area of Bikini Island, which was our principal inhabited island at Bikini Atoll. Although Kili Island contains better soil than Bikini Atoll, when relocated there we were neither accustomed to nor skilled in the intensive agricultural techniques necessary to making Kili Island productive. At the same time, our considerable skills in taking

Substance from the marine environment were rendered useless.

39. Life on Kili Island has never been pleasant for us. As noted above, vessel access to the island is severely restricted during a large part of the year. But even during the months when vessels can safely approach the island, there has been a shortage of "field trip" vessels to make the trip. Infrequent field trips have meant that the copra (dried meat of the coconut, the principal source of cash income in the Marshall Islands) that we produce is left to spoil or to be eaten by the rats, a strong disincentive to future copra production. In 1949, 1950, and 1952, we were again the victims of serious food shortages, severe enough that in 1952 food was air-dropped to us (unfortunately without the aid of parachutes, so that most of the food was smashed and rendered inedible).

40. After a devastating typhoon in 1957 caused wide-spread destruction on Kili, killing all the taro (by virtue of salt-water intrusion into the taro swamps) and fifty per cent of the breadfruit trees, serious food shortages again became common on Kili, especially in 1958 and 1960, when C-rations and other emergency foodstuffs were brought to the island. Another serious food shortage occurred in the 1968-1969 winter season.

41. Most of us continue to reside on Kili Island, despite the extremely adverse conditions there, because we have no other place to go without fragmenting our community beyond hope of reconstitution. Even those of us who have left Kili to reside in other parts of the Marshall Islands retain strong affiliations with and loyalties to the Bikini community on Kili.

The Bikini Proving Ground

42. On March 29, 1944, a small group of Japanese soldiers manning a weather station on Bikini Atoll committed suicide rather than surrender to a not-much-larger landing party of American troops. That date marks the beginning of the American administration of Bikini Atoll.

13. On February 10, 1946, the American military governor of the Marshall Islands announced to us that our atoll had been selected as the "best" site in the world for the testing of nuclear devices and that, as a consequence, we would have to be relocated. Less than one month later, on March 5, 1946, we were taken to Rongerik Atoll. The United States had previously detonated three nuclear devices, at Alamogordo, New Mexico, and at Hiroshima and Nagasaki.

14. On June 30, 1946, the United States, as part of Operation Crossroads, detonated at Bikini Atoll a nuclear explosion known as shot "Able." By July 22, 1958, the time of the last nuclear detonation at Bikini Atoll, shot "Juniper" (a part of Operation Hardtack, Phase II), the United States had detonated twenty-three (23) nuclear devices at Bikini Atoll. Among these was the February 28, 1952, shot "Bravo", the first hydrogen bomb dropped from an American airplane, a thermonuclear device of a yield equivalent to fifteen million tons of TNT. Shot Bravo, the largest single explosion ever detonated by the United States, caused a total area of over 7,000 square miles to be contaminated to such an extent that avoidance of death or radiation injury was dependent on evacuation of the area or the taking of protective measures. This blast annihilated three smaller islands and portions of others and excavated an additional pass from the ocean to the lagoon. At the conclusion of the nuclear tests, most of the coconut palms and other plants of economic value had been destroyed. The atoll became covered by dense scrub vegetation and a massive amount of equipment and other debris left from the tests cluttered the islands and beaches.

15. As a result of the 23 nuclear devices which were detonated at Bikini Atoll, the entire environment, including marine and terrestrial areas, was contaminated with a very large amount of radioactivity. A number of the radionuclides which were introduced into the Bikini environment by nuclear testing are

Very dangerous in their effect upon human beings. Among these, to mention only a few, are Plutonium-239, Cesium-137, Strontium-90, Cobalt-60 and Americium-241. These and other radioactive elements were introduced into the environment of our atoll so that they are now present in the lagoon and ground water, the lagoon sediments, the soil on the islands and in virtually every form of life on the atoll, including fish, shell fish and coconut crabs. Also, some of the dangerous radioactive materials in the soil and water will be taken up by pandanus and breadfruit trees and concentrated in the fruit.

-6. The presence of radioactive materials at Bikini Atoll as a result of the nuclear testing there by the United States is a potentially serious problem for us. We want to return to Bikini Atoll, but we do not want to suffer any illness in ourselves, nor do we want our children to suffer as a result of radioactivity. Some of the radioactivity caused by the testing program can hurt us if we are near it or live around it. Other kinds can hurt us if it gets inside our body through the drinking water or through food grown on the Atoll. Other kinds of radioactivity are there which are dangerous if they are inhaled. Depending upon the kind of radioactivity and the way it effects the human body, it can have a serious adverse effect upon our health and it can also adversely effect future generations of our people.

-7. The testing of nuclear weapons at Bikini Atoll was essential to the security of the people of the United States. Tests of nuclear devices and nuclear weapons designs was indispensable to production of a nuclear weapons stockpile with which the United States could defend itself from its enemies from attack.

-8. The choice of our Atoll for nuclear testing was made by President Harry S. Truman. One of the principal reasons he selected Bikini is its great distance from the United States. He did not want the people of the United States to be endangered or harmed by the radioactivity produced by the nuclear explosions.

49. Nuclear testing performed at Bikini Atoll between 1946 and 1959, was an integral part of the United States nuclear weapons development program. We do not know exactly how much money the United States spent to develop, test and produce its nuclear weapons, but we are informed and believe that between 1946 and 1959 the United States government invested at least \$20,587,900,000. But for the testing of nuclear explosive devices and finished weapons at Bikini and Enewetak Atolls, most or all of that money would have been wasted, or it would have cost the United States much more in money and time to accomplish the same result.

50. When, in 1946, we were told of the American plans for Bikini Atoll, we were not given the option of remaining at Bikini. Throughout the almost 30 years that have passed since our exile from Bikini, we have expressed our desire to return to Bikini Atoll.

51. We are informed and believe that the decisions to remove us from Bikini Atoll, to conduct nuclear testing there and to detonate each nuclear device were all made with the express consent and under the express direction of the President of the United States.

52. Our desire to return to our ancestral homeland is only partially understandable to most Americans, even those who have not succumbed to this modern age of mobility and frequent changes in residence. Bikini Atoll is typical of Marshallese atolls in that its highest elevation is only a few feet above sea level. Most of what a person sees, standing at that highest elevation, is the sea and the lagoon. That thin circumference of islands and reef thus is of tremendous importance to us.

53. Because land is obviously scarce in the Trust Territory, few Micronesian peoples regard land as a commodity or as a mere factor of production. Land is the essential element of Micronesian existence. Ties to the land are therefore unusually strong throughout Micronesia. These ties are particularly strong in our densely-populated

Marshall Islands, where over 25,000 people live on a total of 69 square miles of land.

54. The traditional Marshallese system of land tenure has been developed over hundred of years and is peculiarly adapted to our needs:

The Marshallese system of land tenure provides for all eventualities and takes care of the needs of all of the members of the Marshallese society. It is, in effect, its social security. Under normal conditions no one need go hungry for lack of land from which to draw food. There are no poor houses or old people's homes in the Marshall Islands. The system provides for all members of the Marshallese society, each of whom is born into land rights.

J. Tobin, "Land Tenure in the Marshall Islands" in Land Tenure Patterns in the Trust Territory of the Pacific Islands (J. deYoung ed. 1958). Pursuant to its obligation under Article 6(1) of the Trusteeship Agreement, the United States has given recognition to the customs of the inhabitants of the Trust Territory and has not altered the traditional land tenure system in the Marshall Islands in any significant way.

55. Our exile from Bikini Atoll for almost thirty years and our relocation to Rongerik, then to Kwajalein, and finally to Kili has had and continues to have severe adverse effects upon the internal cohesion, social structure, and morale of our originally vital community.

56. On November 9, 1956, at a meeting with our community on Kili Island, the then-High Commissioner of the Trust Territory, Delmas H. Nucker, told us that the United States Government did not want to keep Bikini Atoll forever and that when our atoll was no longer needed by the United States, and when it became safe to live on again, we could return.

57. Responding to our pleas, in late 1966 the then-Secretary of the Interior requested that the Atomic Energy Commission determine the condition of Bikini Atoll and make an evaluation of whether we could safely return to our atoll.

58. In 1967, the Atomic Energy Commission, predecessor to the Energy Research and Development Administration, conducted a survey of Bikini Atoll to determine whether we could return safely to our homeland.

59. An Ad Hoc Committee was appointed by the Atomic Energy Commission to review the results of the 1967 Atomic Energy Commission survey and to make recommendations thereon. The Ad Hoc Committee unanimously concluded that "it would be radiologically safe to allow the Bikini people to return to their home atoll." The Committee also recommended certain cleanup, rehabilitation, and follow-up actions to guide Federal agencies involved in the return.

60. On August 12, 1968, President of the United States Lyndon B. Johnson announced, in a letter to the Secretary of Defense, a major Federal program to return us to Bikini Atoll, in the following words:

The Secretary of the Interior has reported to me that a special analysis of radiological levels of Bikini Atoll has resulted in the conclusion that the major islands of the atoll are now safe for human habitation. The Defense Department has also concluded that security requirements are such that the return of the former Bikini people to their traditional home can be accommodated.

The return of these people cannot, however, be accomplished overnight. There remains the major task of working with the Bikini leadership in planning the return, of removing any remaining sources of radiological contamination, of clearing the land and of replanting it to crops which will sustain human life and which will provide a source of income. New homes and new community facilities must be built with the active participation of the returning people. These tasks require resources beyond the means of the former Bikini people and of the Trust Territory Government. I, therefore, request you to work with the Secretary of the Interior and the High Commissioner of the Trust Territory in planning a comprehensive resettlement program and to assist them in carrying it out with all possible dispatch.

A copy of President Johnson's letter is attached as Exhibit A, and is incorporated herein by this reference.

51. President Johnson's letter, cited and quoted in the preceding paragraph, is a determination by the United States that, as of 1968, Bikini Atoll was no longer needed by the United States for the maintenance of international peace and security.

52. In carrying out the integrated, interagency program announced by President Johnson, the Department of Defense, the Department of the Interior, and the Atomic Energy Commission entered into an agreement on primary responsibilities as follows:

a. The Department of Defense would assume primary responsibility for cleanup aspects of the program, including the removal of radioactive debris;

b. The Department of the Interior would assume responsibility for agricultural reclamation, construction of housing and community facilities and resettlement aspects of the program; and

c. the Atomic Energy Commission would provide guidance on radiological aspects of the program and conduct follow-up radiological surveys to confirm exposure estimates and conduct radiological monitoring of personnel as they returned to work or live at Bikini.

53. In August 1968 a group of our leaders was taken to Bikini to inspect our atoll. A photographic account of that inspection trip appeared in the Micronesian Reporter (published by the Trust Territory's Office of Public Information) issue for the first quarter of 1969. A copy of that account is attached as Exhibit B to this complaint.

54. In February 1969, the Department of Defense and the Atomic Energy Commission commenced the cleanup of debris and equipment from Bikini Atoll. At this time agricultural reclamation was also commenced with the removal of scrub vegetation and the planting of coconut seedlings.

55. Except for a few infrequent and brief inspection visits to Bikini Atoll by a few of our leaders, none of our community was permitted to return to Bikini Atoll until June 1969. At that time

eight Bikini men were brought to Bikini Atoll to assist in the initial stages of the resettlement program. In December 1969 an additional crew of twenty-three workers was brought from Kili to Bikini. Other members of our community have from time to time been employed in agricultural and construction activities related to the resettlement program since that time. There are presently a number of our community resident on Bikini Atoll, many with other members of their families.

66. The Department of the Interior constructed forty houses on Bikini Island in Bikini Atoll for our future use. The actual construction was done by Acme Importers, also known as Acme Construction Company, of Majuro, Marshall Islands, pursuant to a contract with the Trust Territory government. The resettlement program as planned called for the construction of thirty-eight additional houses, a school, church, store, and dispensary on Bikini Island before the 1977 target date for completion.

67. In the Trust Territory budget justification presented to Congress each year, by the Department of the Interior, certain sums have, since fiscal year 1969, been earmarked for expenditure on parts of the Bikini resettlement program. Upon information and belief, a significant portion of the sums so earmarked, has been transferred to another program or other programs within the Trust Territory since January 1, 1970. Such transfers by law require the prior approval of the Secretary of the Interior, as alleged in ¶ 24, supra.

68. Upon information and belief, the Atomic Energy Commission recommended that, in the reclamation of Bikini Atoll, and specifically with regard to the planting of crop trees on Bikini Island, that the Bikini Island soil be removed from the area surrounding the plantings and be replaced by soil from other less radioactive island or reef areas. Upon information and belief, the Atomic Energy Commission's recommendation was not followed.

69. Upon information and belief, the Atomic Energy Commission

recommended that the immediate environs of all houses constructed on Bikini Island be covered by coral aggregate and sand taken from other less radioactive island or reef areas. Upon information and belief, the Atomic Energy Commission's recommendation was not followed.

70. Upon information and belief, the Atomic Energy Commission recommended that the coral aggregate and sand used in the mixing of concrete for the floor slabs, walls, and porches of houses and for rainwater cisterns on Bikini Island be taken from other less radioactive island or reef areas. Upon information and belief, the Atomic Energy Commission's recommendation was not followed.

71. By letter of June 17, 1971, Dr. Martin Biles, Director of the Atomic Energy Commission's Division of Operational Safety informed defendant Johnston that, from the radiological viewpoint, ground water on Bikini Island was safe to drink. A copy of Dr. Biles letter is attached as Exhibit C and is incorporated herein by this reference.

72. In November 1974 the Atomic Energy Commission informed the Department of the Interior of recent radiological findings and of the desirability of conducting a sophisticated "follow-on" radiology survey. As a consequence of this information, the Department of the Interior halted construction activities on Bikini.

73. At an inter-agency Bikini Planning Meeting held on January 15, 1975 in Anaheim, California, Dr. Biles, (of the Atomic Energy Commission, now ERDA; see ¶ 71, supra) stated that new technological means for obtaining a more comprehensive radiological survey of Bikini had been developed since the original Bikini survey in 1967. He also stated that Federal regulations regarding radiological safety had become more stringent since that time.

74. On March 7, 1975, the then Secretary of the Interior, Rogers C.B. Morton, wrote to defendant Schlesinger as follows:

The resettlement of the Bikini Atoll which was used for nuclear weapons testing is resulting in a high degree of public, United Nations and Congressional interest. A Master Plan has been developed, extensive crops planted, and 10 houses and a school have been built.

The Trust Territory of the Pacific Islands is prepared to construct 38 more houses and a dispensary in anticipation that some 600 Bikinians will be ready to return shortly. Recent radiological information indicates a need for a comprehensive follow-on survey so the project was halted. Despite assurances that the atoll is safe, the attitude and fears of the people are being influenced by various outside groups, many of whom are critics of the nuclear program. If we are to avoid disrupting the resettlement plans at Bikini, and the loss of our credibility with the people, we must answer the critics. To do this we need a great deal of additional data on the radiological situation at Bikini Atoll. Since the Bikini radiological surveys were made in the 1960's more sophisticated and sensitive instrumentation has become available. Accepted radiological practices have become more stringent and there has been extensive land clearing for planting crops, which may have affected the radiation situation on the islands.

The Energy Research and Development Administration is prepared to conduct an additional radiological survey of Bikini Atoll beginning in April if logistics support can be provided to include:

1. Two helicopters and an associated support platform for about 12 days of flight operations at Bikini Atoll.
2. Airlift from CONUS to Bikini Atoll and return for ERDA technical equipment and personnel.

There is a longer term problem of developing a current documentation of the residual radioactivity on all the islands that received fallout from U.S. nuclear weapons tests. This also could be accomplished, starting in April or later in the year, with ERDA providing the technical resources. Such a survey would require an additional 30 days of flight operations at several atolls.

As you know, neither the Energy Research and Development Administration nor the Department of the Interior have this kind of integrated logistics support capability. Since the situation has potentially serious political implications for the U.S. Government and the Administration, I strongly request that you consider providing the necessary support from Department of Defense resources. Your personal attention and early response would be greatly appreciated.

A copy of Secretary Morton's letter is attached as Exhibit D and is incorporated herein by this reference.

75. On May 29, 1975, Deputy Secretary of Defense William P. Clements, Jr., responded to Secretary Morton's letter by a letter

to Defendant Acting Secretary of the Interior Kent Frizzell, informing him as follows:

This is in response to Secretary Morton's letter of March 7, 1975, requesting logistic support for the conduct of an additional radiological survey of Bikini Atoll and other islands that received fallout from U.S. nuclear weapons testing.

The assets required to support the survey had been tentatively identified, at a reimbursable cost of \$609,000. Members of your staff have advised, however, that the Department of Interior has no funds for reimbursement, therefore, we are unable to provide the requested support at this time.

We may be able to consider providing similar support at such time as you have funds available. However, since operational schedules are established well in advance, it is suggested that your requirements be made known sufficiently ahead of the desired implementation time in order to allow orderly planning and scheduling.

A copy of Deputy Secretary Clements' letter is attached as Exhibit E and is incorporated herein by this reference.

76. On June 19, 1975, Assistant Secretary of the Interior Royston J. Hughes wrote to defendants Seamans and Schlesinger as follows:

Recent developments have caused grave concerns as respects our responsibilities toward the people of the Trust Territory of the Pacific Islands, primarily those of Bikini, Enewetak, Rongelap, Utirik and Rongerik Atolls.

The cleanup of Bikini, in anticipation of the eventual settlement, was a joint effort among the Department of the Interior, Department of Defense, Atomic Energy Commission and the Trust Territory of the Pacific Islands, as set forth in the enclosed August 12, 1968, instructions from President Johnson. As we were proceeding with the construction program the Atomic Energy Commission, in November 1974, informed us of some recent radiological findings that caused us to stop the project. We were told that a sophisticated follow-on survey was highly desirable not only on Bikini but throughout the various nuclear test areas. To that end, Secretary Morton, in his March 7, 1975, letter to Secretary of Defense James R. Schlesinger, requested logistics support for the Energy Research and Development Administration survey. Unfortunately, in Mr. Clements' May 29, 1975 reply, the Department of Defense could not provide this unless \$609,000 in costs could be reimbursed. The Department of the Interior was unable to identify funds

for this, nor could ERDA which was prepared to absorb all other related costs from monies already programmed. Consequently, we are deeply concerned that a quality radiological survey such as that performed on Enewetak, whose people will not be coming back for some time, cannot be made available in a timely fashion for the Bikinians whose return is imminent.

To compound the situation, on June 11 the Marshallese chief, who claims control over the atolls of Rongelap, Utirik and Rongerik, all accidental fallout areas from the 1954 Bravo test on Bikini, visited the Director of Territorial Affairs, claiming loss of use and other damage as a result of this event. He contends that the U.S. Government never presented the people with a briefing of any radiological survey conducted nor to date has told his people that Rongerik is habitable.

It is clear that the U.S. Government has and will continue to have for many years, a long-term responsibility for thorough monitoring of the radiological conditions of the atolls on and around the test sites, as well as the people who were fallout victims. In addition, our commitments to insure the safe return of the Bikinians and the people of Enewetak make it imperative that they and their environment be attended to with the best testing equipment available.

It appears that none of the involved Departments has budgeted adequately for this needed and highly warranted effort in order to meet our statutory and moral commitments to the people of this area. This has become increasingly clear through staff level dialogs as well as the recent unsuccessful effort to perform the best possible survey on Bikini.

To better assess the problems and to determine exactly what remains to be done and who is responsible for funding and executing all or various segments of future radiological surveys and monitoring, I feel that an interagency meeting is essential. I therefore propose that key personnel from each Department meet at Interior on June 25, at 2:00 PM, whereupon ERDA can set forth its proposed program along with support requirements. If agreement on budgeting and support commitments cannot be reached, we will at least be in a position to present the problem to the Office of Management and Budget and seek further instructions. I am asking that this meeting be coordinated by the Director of Territorial Affairs. Staff contact can be made through Mr. Harry T. Brown at 243-4736.

We believe that the United States commitment under the Trusteeship Agreement required a strong reaffirmation by all concerned agencies, to work together in carrying out a comprehensive program, not only for Bikini or Enewetak, but all other involved areas in the Trust Territory which were touched by the 10-year testing program.

A copy of Assistant Secretary Hughes' letter to defendant Seamans is attached as Exhibit F and is incorporated herein by this reference.

77. In June 1975, the Energy Research and Development Administration performed a radiological survey on Bikini and Eniw Islands in Bikini Atoll. Upon information and belief, this survey was not conducted with the optimal technological equipment desired by the Energy Research and Development Administration and endorsed by Secretary of the Interior Morton in his letter of March 7, 1975 (¶ 74, supra). As Assistant Secretary Hughes said, it was "an unsuccessful effort to perform the best possible survey on Bikini" (¶ 76, supra).

78. On July 16, 1975, Dr. Martin Biles, Director of the Energy Research and Development Administration's Division of Operation Safety called an interagency meeting on the Bikini project, which was held at the Lawrence Livermore Laboratory in Livermore, California on August 12-13, 1975. In attendance at this meeting were representatives of the Department of the Interior, the Energy Research and Development Administration, and the Department of Defense.

79. At the August 12-13 meeting, the Energy Research and Development Administration distributed two reports, both qualified as preliminary in nature and both dated August 6, 1975. These reports are Preliminary Report Radiological Evaluation of Phase II Housing Construction Bikini Atoll-August 1975 and Preliminary External - Dose Estimates For Future Bikini Atoll Inhabitants, by Paul H. Gudiksen and William L. Robison.

80. The general import of the reports cited in ¶ 79 is that if the Bikini resettlement program proceeds as previously planned and if we live in the houses completed and planned for on Bikini Island, we will receive external gamma radiation in excess of Federally prescribed limits. Among other items, we were told that the groundwater at Bikini Island should only be used for agricultural purposes. The planned construction of thirty-eight additional houses, a church, a store, and a dispensary on Bikini Island, ¶ 66 supra, is now in abeyance.

81. None of us is expert in assessing the risks to human health and safety of radiological hazards. Through the period of nuclear testing at our own atoll and at Enewetak we became generally aware that radioactivity could be a significant danger to human life, health, and safety. We are aware of the fact that the inhabitants of Rongelap Atoll have been examined at frequent intervals by doctors under contract with the Atomic Energy Commission since their exposure to radioactive fallout from shot "Bravo" in 1954. We know of the recent death from leukemia of one of these Rongelapese, Leko J Anjain, accounts of which are attached as Exhibits G and H to this complaint. We know that other Rongelapese have been taken to the United States for specialized medical treatment. Members of our own community employed at Bikini Atoll have also been examined at frequent intervals by doctors under contract with the Atomic Energy Commission. We are also aware that the Atomic Energy Commission released, in October 1973, a three-volume radiological survey of Enewetak Atoll, also a nuclear test site, and that, in April 1975, the Defense Nuclear Agency, a part of the Department of Defense, released a five-volume environmental impact statement for the resettlement of Enewetak Atoll. The radiological survey was done as part of the study of the environmental impact of the Enewetak resettlement program and the impact statement was prepared by the Defense Nuclear Agency on behalf of the Department of Defense, Energy Research and Development Administration, and the Department of the Interior.

82. While we are apprehensive over possible dangers from radioactivity, our community is extremely anxious, for the reasons discussed in ¶¶ 29-41, 50 and 52-56 supra, to return to Bikini Atoll. Indeed, as mentioned in ¶ 65, supra, some members of our community are already residing on Bikini Atoll.

83. Until President Johnson announced the initiation of the Bikini resettlement program in 1968, ¶ 60, supra, we were

told that it was unsafe for us to return to Bikini Atoll and we were in fact prohibited from doing so. President Johnson then told us, in his 1968 announcement, that the islands were safe for human habitation.

84. In the October 15, 1973 issue of Highlights, a publication of the Office of the High Commissioner of the Trust Territory, Deputy High Commissioner Peter T. Coleman was quoted as saying, "If all is acceptable to the people, the Trust territory Government is prepared to allow them to return to Bikini Atoll permanently by Christmas this year." A copy of Highlights article is attached as Exhibit I and is incorporated herein by this reference. We were subsequently told that shipping problems caused our return to be postponed.

85. In February 1974 a Department of the Interior news release announced that a first group of our people could be brought from Kili to resettle on Bikini Island in mid-April 1974.

86. The net effect of the preliminary reports released in August 1975, ¶ 79 supra, is to tell us that we cannot safely reside on Bikini Island, where the only housing has been constructed, unless we adhere to certain prescribed restricted living patterns not previously disclosed to us and significantly different from our normal and usual living patterns.

87. At a meeting on Kili Island subsequent to the August 1975 meeting at the Lawrence Livermore Laboratory, ¶¶ 78-79, supra, Mr. Roger Ray, Assistant Manager for Operations of the Nevada Operations Office of the Energy Research and Development Administration represented to us that the Atomic Energy Commission had never recommended the construction of houses on Bikini Island, but in fact had recommended that Eneu Island be resettled first.

88. For us to make an intelligent decision to resettle Bikini Atoll, we must be able to weigh our desire to return against the

radiological risks of returning. We have not been provided with that information in a form that we can understand.

89. As we mentioned in paragraph 65, supra, some members of our community are presently residing on Bikini Island, Bikini Atoll. In light of the August 1975 reports, §§ 79 and 80, supra, recommending against permanent residences on Bikini Island, those Bikinians now living there must receive special consideration and attention.

90. Some of our people, approximately 30, went to Bikini about 1969 to work in the resettlement program. By 1972, three families who were especially anxious to go back were permitted to resettle on Bikini Island by the defendants. Since 1972 there have been a total of approximately 75 of our people, men, women and children, living on the same Bikini Island which the defendants now say should not be used for permanent residences. There also are some of us who have lived on Bikini Island during this period but who have subsequently moved to other islands or atolls in the Marshall Islands.

The National Environmental
Policy Act

91. The resettlement of Bikini Atoll is an ongoing major federal action significantly affecting the quality of the human environment. The manner in which the program is conducted will have significant effects on our health and safety and, perhaps, our very lives. The manner in which the program is conducted will also have significant effects on the health, safety and, perhaps, lives of generations of Bikinians as yet unborn. In addition, the manner in which the program is conducted will have a significant effect upon our cultural and aesthetic values, upon our relative land rights among themselves, and upon our social structure and living patterns.

92. For the reasons given above, the defendants have an affirmative duty to fully investigate, assess, and report, in a detailed statement, the total environmental impact of the Bikini resettlement program. That full investigation, assessment, and report must include (1) an assessment, with the best technological means available, of the radiological safety of habitation of the various islands of Bikini Atoll; (2) an immediate and independent study of the health risks to those members of our community now residing on Bikini Island in Bikini Atoll; and (3) a comprehensive, detailed, and specific master plan to ensure reasonable economic self-sufficiency for us upon our resettlement of Bikini Atoll, all as alleged with greater particularity in paragraphs 98-110 infra. The substantive content of that environmental impact statement as well as preliminary or draft environmental impact statements must be made known to us in a language that we can understand. Moreover, defendants have a clear obligation to consider that environmental impact, as expressed in a detailed statement, during the decision-making process with respect to the resettlement of Bikini Atoll.

93. No detailed environmental impact statement on the resettlement of Bikini Atoll has been prepared by defendants. Neither has any final environmental impact statement been considered by the defendants with respect to this program.

94. Planning, review, and implementation of the resettlement of Bikini Atoll has been carried on, and continues to be carried on, by defendants without reference to any final environmental impact statement. At an interagency meeting in Washington, D. C. on September 19, 1975, our counsel were informed by representatives of the Department of the Interior, the Department of Defense, and the Energy Research and Development Administration that none of those agencies has any present intention to prepare an environmental impact statement for the Bikini resettlement program.

Trusteeship Agreement - Protection of Lands and Resources

95. Defendants, as high and responsible officials of the United States government, which is our trustee under the Trusteeship Agreement for the Former Japanese Mandated Islands, have affirmative obligations to protect us against the loss of our lands and resources. President Johnston's 1968 decision to initiate the resettlement of Bikini Atoll was in accordance with the obligations of the United States to protect Micronesians against the loss of their lands and resources.

96. Pursuant to their affirmative duties to protect us against the loss of our lands and resources, defendants have an affirmative duty to resettle us at Bikini Atoll in a condition of social, economic and physical well-being.

97. By failing to resettle us at Bikini Atoll in a condition of social, economic, and physical well-being, defendants have breached and are breaching their obligations under the Trusteeship Agreement, as described in § 95 and 96, supra.

Trusteeship Agreement - Protection of Health

98. Defendants, as high and responsible officials of the United States government, similarly have affirmative obligations under the Trusteeship Agreement to protect our health. Pursuant to those obligations, defendants have an immediate and affirmative duty to assess with the best technological means available, the radiological safety of habitation of the various islands of Bikini Atoll, to permit such assessment to be subjected to scrutiny by independent experts, the cost of said scrutiny by independent experts to be borne by defendants, and to make known to us in a language that we can understand, the results of such assessment and the comments, suggestions, and criticisms of independent experts. The Enewetak Radiological Survey, § 81, supra, sets a minimum standard for the quality of the comprehensive radiological survey which must be performed at Bikini Atoll.

The comprehensive radiological survey must include a valid social radiological survey such as was attempted at Bikini Atoll.

99. By failing to secure the radiological safety of habitation of the various islands of Bikini Atoll with the best radiological means available, by failing to permit such persons to be subjected to scrutiny by independent experts paid for by the Government, and by failing to make known to the public a report that was not understood, the results of such assessments and the comments, criticisms and criticisms of independent experts, distributed have been and are breaching their obligations under the Trusteeship Agreement to protect the health of the inhabitants of the Trust Territory.

100. Pursuing its basic affirmative obligation under the Trusteeship Agreement to protect the health of its people, the Government has an affirmative duty to contract for, fund, and support an immediate and independent study of the health risks to those members of our community who have at any time since 1946 resided on Bikini Island in Bikini Atoll, and to provide immediate remedial action by planning for the relocation of persons whose health is found to be deemed necessary by the independent study.

101. Given the absence of a comprehensive radiological survey and a comprehensive analysis of the radiological records at Bikini Island, it is imperative that the health of the people of our people who are there be studied immediately by independent scientists. The Energy Research and Development Administration should provide the necessary funds for a panel of independent scientists to go to Bikini Atoll to make the study. It should provide the vessel LCU-Liktanur for transportation, it should provide the necessary equipment it should provide all additional information for the needs of these independent scientists and should also provide any and all technicians and laboratory systems which, in the view of the independent scientists, is necessary. Payment of the needs for transportation, accommodations and housing, the maintenance of all

... of the other... may be required to carry out this special effort.

102. Since about 1950, the Energy Research and Development Administration has made great effort to study the radiation health of our people who live now living on Bikini Island, but their efforts have been far too limited, especially in light of the August 1975 reports. The proposed independent study of health status to members of our community now living on Bikini Island, should include at least the following: (a) complete physical examination; (b) taking and analysis of individual medical history including any previous radiation exposure; (c) complete physical examination; (d) complete blood count; (e) blood chemistry profile; (f) analysis, including assays for all radionuclides; (g) x-ray picture for all radionuclides, including uranium 238 on the basis of radiograms of the lateral skull, chest, pelvis, hand and wrist, foot and teeth, pulmonary cytology; (h) cancer analysis; and any other procedures deemed to be necessary or necessary by the independent scientists engaged to conduct the study.

103. In addition to the necessary laboratory and other procedures described in the preceding paragraph, the special radiological study must include evaluation of all available data on the radionuclide content of Bikini Island, including the kinds and concentrations of radionuclides in the soil, water, groundwater and air. Evaluation of all available data on radiation pollution dose must also be made.

104. We are convinced and believe that the special radiological study described in the preceding paragraphs is necessary in order to estimate the potential risk of adverse health effects for our people who now live on Bikini Island. We are fully convinced and believe that scientists employed by us affiliated with the Energy Research and Development Administration should conduct such a study with requisite objectivity and accuracy. We wish to assure the

reliability of the results of the special studies, and the selection of the population definitions to provide it should be subject to approval of the court and the plaintiffs. Selection of the defendant and the conduct of the study should be done immediately.

105. By failing to conduct the special studies in an immediate and independent study of the health risks to those members of our community who have at any time since 1982 resided on Bikini Island in Bikini Atoll, to be conducted in the several decrees in § 100-107 supra, and by failing to provide forecasts and long-term planning for the relocation of Bikini Island residents should that be necessary, defendants have breached and are breaching their obligations under the Trusteeship Agreement to protect the health of the inhabitants of the Trust Territory.

106. In addition, pursuant to their affirmative obligations under the Trusteeship Agreement to protect our health, defendants have affirmative duties to limit access to Bikini Atoll until completion of the assessment of the radiological safety of habitation of the various islands of Bikini Atoll, as decreed in § 98-99 supra. Because of conflicting statements by defendants as to the radiological safety of habitation of Bikini Atoll, § 78-87, supra, defendants have given the members of our community a basis for believing that it is safe for them to return to Bikini Atoll. Defendants, and particularly plaintiffs defendant McPrum, have control over the movement of ships, the primary and common means of access to Bikini Atoll, so power should be exercised to take up permanent residents of Bikini Atoll, and that person has first been fully apprised of the potential risks which would result from relocation, said power to be given to a group that he or she understands, and of the various conditions that the defendants, particularly defendant defendant, should agree to cover the expense of all future health with respect to health care, shelter and nutrition

and any necessary further activities of any person who, without standing advice as to risks, may, nevertheless, decide to return to Bikini Atoll.

107. By failing to visit Bikini Atoll in the manner described in the preceding paragraph, defendants have breached and are breaching their duties under the Compact Agreement to protect the health of the inhabitants of the Trust Territory.

108. To have authority to determine the validity of the standards for low-level and high-level radiation doseage used by H.A. is the responsibility of the Court. The Court should review these standards to determine their validity and should declare the revised and established standards as guide or if that is deemed appropriate by the Court after its review.

(Paragraph 109 is on the next page)

Trusteeship Agreement - Principles of Economic
Advancement and Self-Sufficiency; Principle
of Political and Social Development and the
Recognition of the Right

109. Defendants, as high level officials of the United States Government, also have affirmative obligations under the Trusteeship Agreement to promote the economic advancement and self-sufficiency. In regard to these obligations, defendants have an affirmative duty to develop and to include in their planning and decision making for the Bikini Atoll resettlement program a reasonable, detailed, and specific master plan to ensure economic self-sufficiency for the new community of Bikini Atoll.

110. Defendants have further duties under the Trusteeship Agreement to protect and foster the political and social advancement and to give due recognition to our customs. At the very least these obligations require the defendants to provide for our participation in the development and implementation of the master plan to which reference is made in the preceding paragraph.

111. In failing to develop, with our participation, a comprehensive, detailed, and specific master plan to ensure reasonable economic self-sufficiency for the new community of Bikini Atoll, defendants have breached and are breaching their obligations under the Trusteeship Agreement, as described in §§ 108 and 109, supra.

Trusteeship Agreement - November 1946

110. In trustee for the people and property of Bikini Atoll, defendants have an additional and affirmative duty to fulfil, completely, and conscientiously, readily with all the requirements of the national laws, Executive Order No. 13153, and all Conferences, Executive Orders, and Regulations issued in respect thereto. The defendants have failed to fulfil these fiduciary obligations, as alleged herein.

1. EQUITY

111. There is a clear and actual controversy between the parties as described herein. There is no adequate remedy at law because minority of us may not be expected to ascertain our rights which have been denied by the defendants are such that the violation constitutes irreparable damage per se; the natural and human environment of Bikini Atoll is unique and irreplaceable; we will suffer immediate and irreparable injury unless the relief sought is granted.

FIRST CLAIM - WRONGFULNESS OF CONTINUING PROJECT WITHOUT THE PRIOR COMPLETION OF A FINAL ENVIRONMENTAL IMPACT STATEMENT

112. The Defendants have wrongfully continued the Bikini Atoll resettlement program since January 1, 1969, without having first drafted, developed, and completed a complete and adequate final environmental statement and carefully and fully considered its contents throughout their entire decision-making process, all as alleged in paragraphs 1 through 94 and 95, pages 1 through 100.

SECOND CLAIM - WRONGFULNESS OF P&G AND
TO ALONGS WASTEWATER TREATMENT
WELL TREATMENT PLANTS ANALYSIS

115. The Defendants have wrongfully failed to ensure the radiological safety of the water of the various islands of Bikini Island with the best technological means available, to permit such movement to be subjected to monitoring by independent experts, and to take steps to ensure that appropriate and independent, the results of such monitoring and the research, investigations, and criticisms of such independent experts, will be reported in paragraphs 1-84 and 98-103, pages.

This failure of the Defendants is in clear violation of their duties under the National Environmental Policy Act and their duty under Article 6(3) of the Trusteeship Agreement for the former Japanese Mandated Islands to protect the health of the inhabitants of the Trust Territory, and to prevent serious and irreparable injury to them.

THIRD CLAIM - WRONGFULNESS OF DEFENDANT
TO CONTACT FOR, FUND, AND SUPPORT AN
IMMEDIATE AND INDEPENDENT STUDY OF
HEALTH RISKS TO PRESENT RESIDENTS
OF BIKINI ISLAND

116. The Defendants have wrongfully failed to contract for, fund, and support an immediate and independent study of the health risks to those residents of our reasonably low residing on Bikini Island in 1980, all as alleged in paragraphs 1-84 and 100-103, pages.

This failure of the Defendants is in clear violation of their duties under the National Environmental Policy Act and their duty under Article 6(3) of the Trusteeship Agreement for the former Japanese Mandated Islands to protect the health of the inhabitants of the Trust Territory, and to prevent serious and irreparable injury to them.

FOURTH CLAIM - VIOLATION OF TREATY
DURING PERIOD OF MILITARY OCCUPATION

117. The defendants have wrongfully failed to fully protect and preserve the health and safety of the Bikini Atoll, and in violation of 101-93 and 106-107, supra.

This failure of performance is in clear violation of their duty under Article 6 (b) of the Trusteeship Agreement for the Former Japanese Mandated Islands to protect the health of the inhabitants of the Trust Territory, and prevent serious and irreparable injury to us.

FIFTH CLAIM - VIOLATION OF TREATY
TO DEVELOP BIKINI ATOLL FOR ECONOMIC
AND SOCIAL ADVANCEMENT

118. The defendants have wrongfully failed to develop and to include in their planning and decision making for the Bikini Atoll resettlement program, a comprehensive, detailed, and specific master plan to ensure sustainable economic self-sufficiency for us upon our resettlement of Bikini Atoll. Defendants further have wrongfully failed to provide for us full participation in the development of such a master plan, all as stated in paragraphs 84 and 109-111, supra.

These failures of the defendants are in violation of their duties under the National Development Policy Act and their duties under Article 6 of the Trusteeship Agreement to provide for economic advancement and self-sufficiency, to promote and foster our political and social advancement, and to provide development in our economy and cause serious and irreparable injury to us.

SIXTH CLAIM - VIOLATION OF TREATY
TO DEVELOP BIKINI ATOLL

119. The defendants have wrongfully failed to protect, up to Bikini Atoll, the conditions of coastal, economic and physical well-being, all as alleged hereinabove.

This failure of the defendants is in violation of their duties under the Trusteeship Agreement, and causes serious and irreparable injury to us.

REPLY

1. The Court should grant the Government's application for summary judgment and set aside the following orders of the Federal Court of Justice: (a) the order granting the injunction and the order of summary judgment.

2. The Court should grant preliminary injunctive relief, in more fully set aside the Federal Court of Justice Injunction filed contemporaneously with the Government by ordering the Federal Court of Justice to set aside the order for preliminary injunction.

A. Grant summary judgment.

B. Order summary judgment on the application of the Government for summary judgment.

C. Order summary judgment to supply information which information in summary judgment as well as summary judgment.

D. Order summary judgment to conduct summary judgment for examination of persons who have been summary judgment.

E. Order summary judgment of relief with the People of Yukon except upon Government by the Government except the Department of Justice and its agents, including the Trust Territory Government.

F. Order summary judgment of a radiological survey, including proper medical and other summary judgment.

G. Order summary judgment to supply independent and valid, independent analysis of the results of each summary judgment survey.

H. Order that there be completion of each radiological analysis of them and that an order of summary judgment appropriate, after completion of independent summary judgment.

1. That all further agency spending and contract spending, except as specified by and ordered at the hearing on the Motion for preliminary injunction;

2. That the defendant is ordered to file a report with the Court every 75 days as to further progress of the Bikini Resettlement, and, in the alternative, appoint a Project Manager who will, among other things, discharge the reporting functions;

3. That the Court should, after filing on the merits, determine whether the standards presently used by defendant ERDA as representing criteria for one-year and fifty-year exposure are valid and, if they are determined not to be valid, conduct the scientific and regulatory process for determination of standards, which process will be subject to approval as being valid and which the defendant is ordered to make a determination of on a timely basis;

4. That the Court should continue to exercise its jurisdiction over the defendant's management of the Bikini Resettlement.

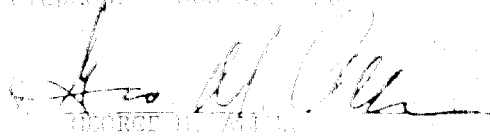
Respectfully submitted,

CHARLES W. KULL
Environmental Legal Services Corporation
National Office
P. O. Box 875
Boulder, Colorado 80500
Telephone: 303/440-1111
Cable Address: ELERD

HARVEY W. KROTT
JAMES E. BRYAN
RICHARD D. STUBBS
AND
AMANDA ALLEN
Environmental Legal Services Corporation
National Office
P. O. Box 875
Boulder, Colorado 80500
Telephone: 303/440-1111
Cable Address: ELERD

JONATHAN R. WILCOX
Washington & G. Building
888 - 10th Street, N.W.
Washington, D.C. 20006
Telephone - 202-462-1930
Telex - 89-180
Cable Address - Guelap

1700 ALSTON
GEORGE H. JAMES
Legal Aid Society of Hawaii
Suite 404
200 N. Vineyard Blvd
Honolulu, Hawaii 96807
Telephone - 808-526-1100



GEORGE H. JAMES

Attorney for Defendants

VERIFICATION OF COMPLAINT

TRUST TERRITORY OF THE
PACIFIC ISLANDS

MARSHALL ISLANDS DISTRICT

I, the undersigned, being duly sworn, depose that I am the duly
elected Magistrate of the Island of [Name], and that the chief
executive officer of the Island of [Name], [Name], the Complaint
has been translated into Marshallese and read to me by Richard R.
Richard R. and, to know the contents of the graphs 1, 2, 15,
13, 29, 30-44, 50, 55, 60-80 and also to the best of my knowledge.

[Signature]
Magistrate

Subscribed and sworn to
before me this _____ day of _____, 1976.

[Signature]
Notary Public

WILLIAM W. [Name], Notary Public
MARSHALL ISLANDS DISTRICT
by depositing the same in the
[Name] [Name] [Name]

TESTATOR'S VERIFICATION

TRUST TERRITORY OF THE
PACIFIC ISLANDS

MARSHALL ISLANDS DISTRICT

Richard R. [Name], being duly sworn, states

that he is the testator of the will of [Name] and that he has care-
fully translated the same into Marshallese and read the same to
[Name] and read the same to [Name].

[Signature]

Subscribed and sworn to
before me this _____ day of _____, 1976.

[Signature]
Notary Public
WILLIAM W. [Name], Notary Public
MARSHALL ISLANDS DISTRICT
by depositing the same in the
[Name] [Name] [Name]

VERIFICATION OF COMPLAINT

TRUST TERRITORY OF THE
PACIFIC ISLANDS
MARSHALL ISLANDS DEMONSTRATION

Nathan Noel, being duly sworn, deposes that he has duly
visited each of the islands named in the foregoing complaint
has been translated into Marshallese by Alvin M. ...
and he knows the contents of paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
11-12 are true, to the best of his knowledge.

[Signature]
Nathan Noel

Subscribed and sworn to
before me this 7th day of October, 1974.

[Signature]
Notary Public
MILLIE M. ...
MARSHALL ISLANDS
day of ... 1974

TRANSLATOR'S VERIFICATION

TRUST TERRITORY OF THE
PACIFIC ISLANDS
MARSHALL ISLANDS DEMONSTRATION

[Signature], being duly sworn, states
that he is fluent in both English and Marshallese and that he has
personally translated the foregoing complaint into Marshallese
and Marshallese and that the same is Nathan Noel's.

[Signature]

Subscribed and sworn to
before me this 7th day of October, 1974.

[Signature]
Notary Public
MILLIE M. ...
MARSHALL ISLANDS
day of ... 1974

VERIFICATION OF COMPLAINT

TRUST TERRITORY OF THE
PACIFIC ISLANDS
MARSHALL ISLANDS DISTRICT

Ataji Balon, being duly sworn, deposes that he is a member of the House of Representatives of the Territory of the Marshall Islands, representing the Seventh Congressional District in the Marshall Islands, which District includes the islands of Ailinginae, and reads both English and Marshallese. He has read and investigated verified Complaint for violation of Public Law 86-3, Sections 8-21, 42-54, 57-58, 7-28, 51 and 52 and in the light of his knowledge.

Ataji Balon
Ataji Balon, Member
House of Representatives
Territory of the Marshall Islands

Subscribed and sworn to
before me this 7th day of October, 1976.

[Signature]
Notary Public
Territory of the Marshall Islands

THE WHITE HOUSE

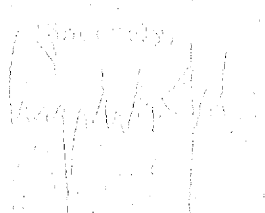
WASHINGTON

April 21, 1948

Dear Mr. Secretary:

The Secretary of the Interior has reported to me that a special analysis of enclosures received at Washington has resulted in the conclusion that the major liability of the matter is payable for Indian obligations. The Bureau Department has also concluded that a special program should be made that the return of the former Indian people to their former lands can be accomplished.

The return of the former lands, however, has been accomplished on a small scale. There remains the major task of working with the Indian leadership to plan a program of return of land to the former Indian people. It is necessary to plan a program of return of land to the former Indian people which will provide a means of income for the former Indian people and will also provide a means of income for the former Indian people. It is necessary to plan a program of return of land to the former Indian people which will provide a means of income for the former Indian people and will also provide a means of income for the former Indian people. It is necessary to plan a program of return of land to the former Indian people which will provide a means of income for the former Indian people and will also provide a means of income for the former Indian people.



Honorable Clark M. Griffith
Secretary of the Interior
Washington, D. C.

111 12613
205



PHOTOGRAPHY BY KEN L. BRY

THE PROMISED VOYAGE

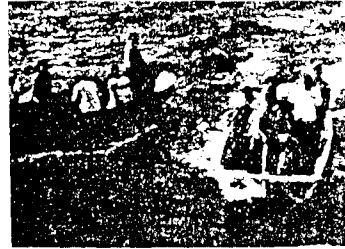
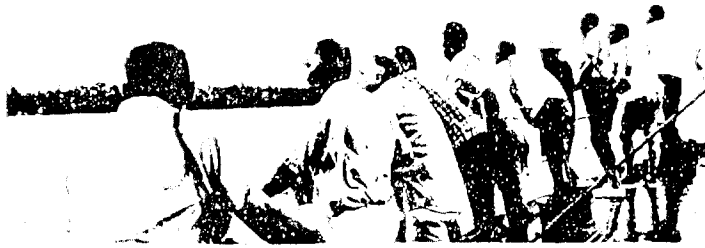
From Kib to Jiddah

24

177 1113 219

KILI

From Washington, from the Departments of Defense and Interior, from the Atomic Energy Commission, the message finally came. The radioactivity level was down and Bikini, nuclear atoll of the forties, bathing suit of the fifties and empty wasteland of the sixties, could again be the site of a human community. In late August the M.V. James Cook sailed with government officials and representatives of the world press, headed for Kili Island, where the bulk of the Bikini people had spent their years of exile—years of petting and remembering and perhaps umbrage. Some of the colony had never seen their mother island; others had grown old with the memories and others—including Bikini's hereditary leader, King Judaan—were old and buried far from home. Too late for Judaan but for the three hundred or so people of Bikini the time of their return, the great possibility, was coming around. And so the Cook's first island of call was Kili, where the islanders set out from shore in small boats to greet them, to shake hands and to go ashore for more handshakes and the words of hope from High Commissioner William Norwood King. Bikini, in the ship's company and headed northward on the voyage to the United States.





AT SEA

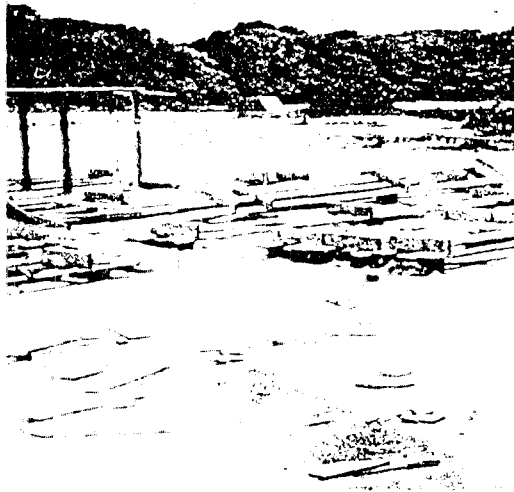
Observers noticed little outward excitement or tension on the northward voyage but it was impossible not to wonder what they would find at Bikini: it could not be the island the Bikinians remembered — not after those bombs — and the underlying question was what would be left of Bikini and of the Bikinians' memories and hopes, when the Cook reached its destination?



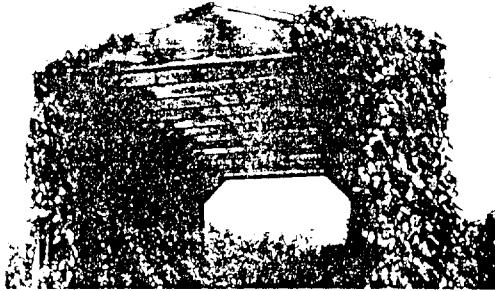
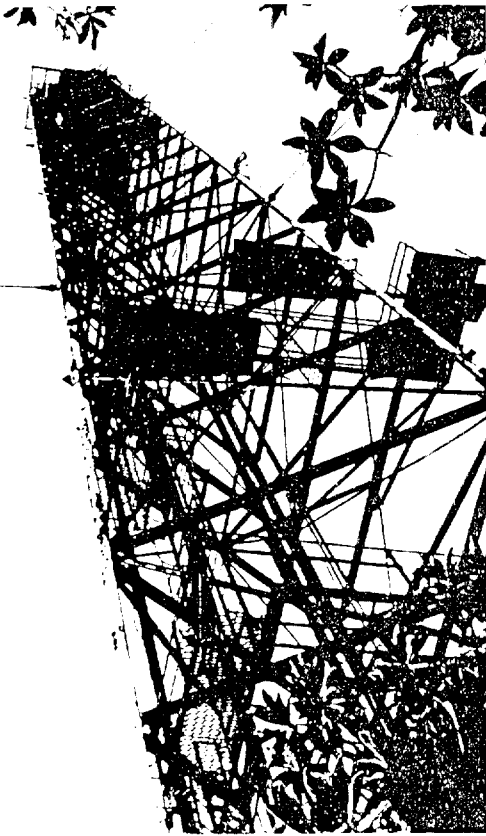
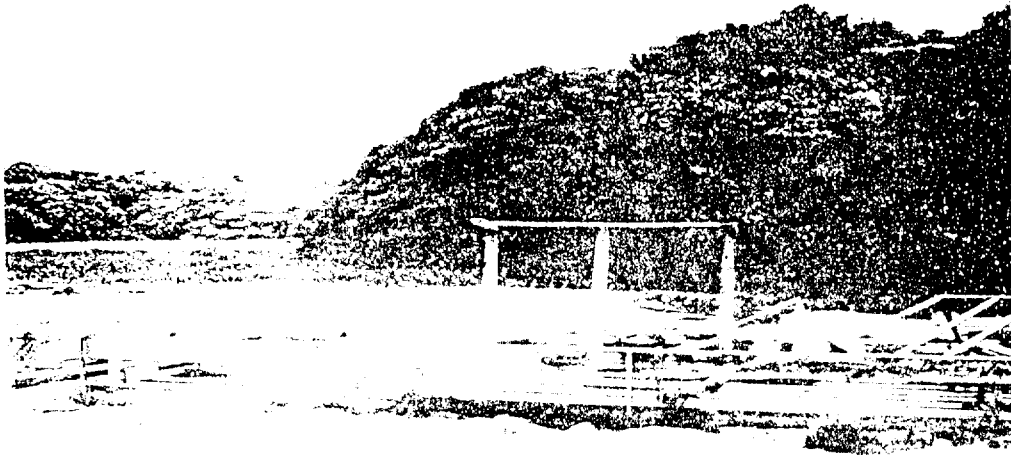


BIKINI

In an echo of an earlier century of exploration, two flags again claimed Bikini. Micronesia's six stars counterpointing the fifty stars of the administering authority. But when the ceremonies (flag raising and coconut planting) were over, it remained for Americans and Marshallese to discover the realities of Bikini today. Reported Micronesia News Service correspondent Dan Smith: "Bikini Island does not look much like a tropical island. Dense crush coals the area, where thousands of workers and technicians prepared for tests. After the ceremonies, the Bikinians went off in groups taking pictures, talking about what they saw and remembered. They wandered off down the beach picking up and contemplating. Large schools of fish could be seen near shore.



It was not the first time that the
reminders of the past were seen but
the reality of the present was not
the same. The people of Bikini
had been told that they would
be able to return to their island
after the war. But now they
were told that they would
never see their island again.
The people of Bikini were
told that they would be able
to return to their island after
the war. But now they were
told that they would never
see their island again.





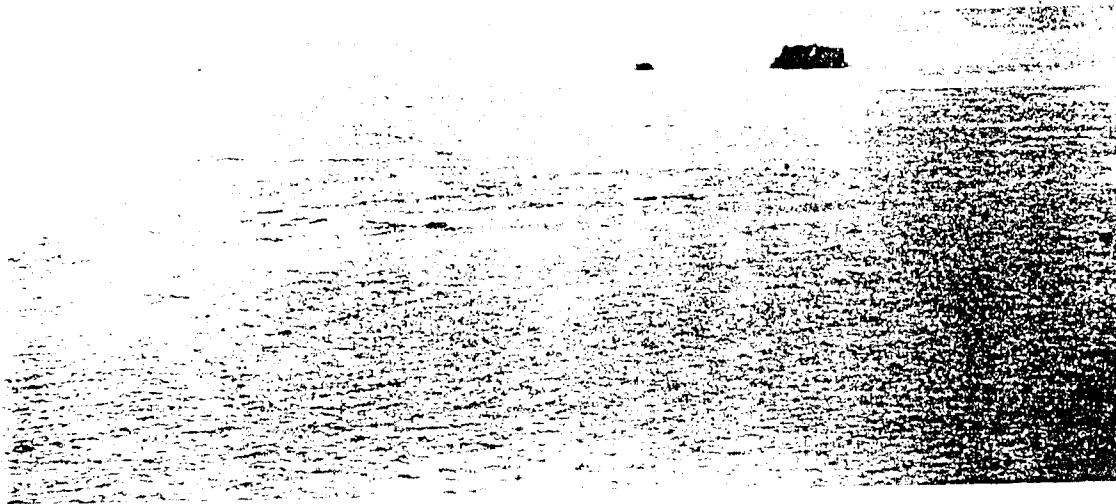
*There is a large number of
mosses and ferns in the
atmosphere. The plants are
very small and grow in
the shade. The plants are
very small and grow in
the shade. The plants are
very small and grow in
the shade.*

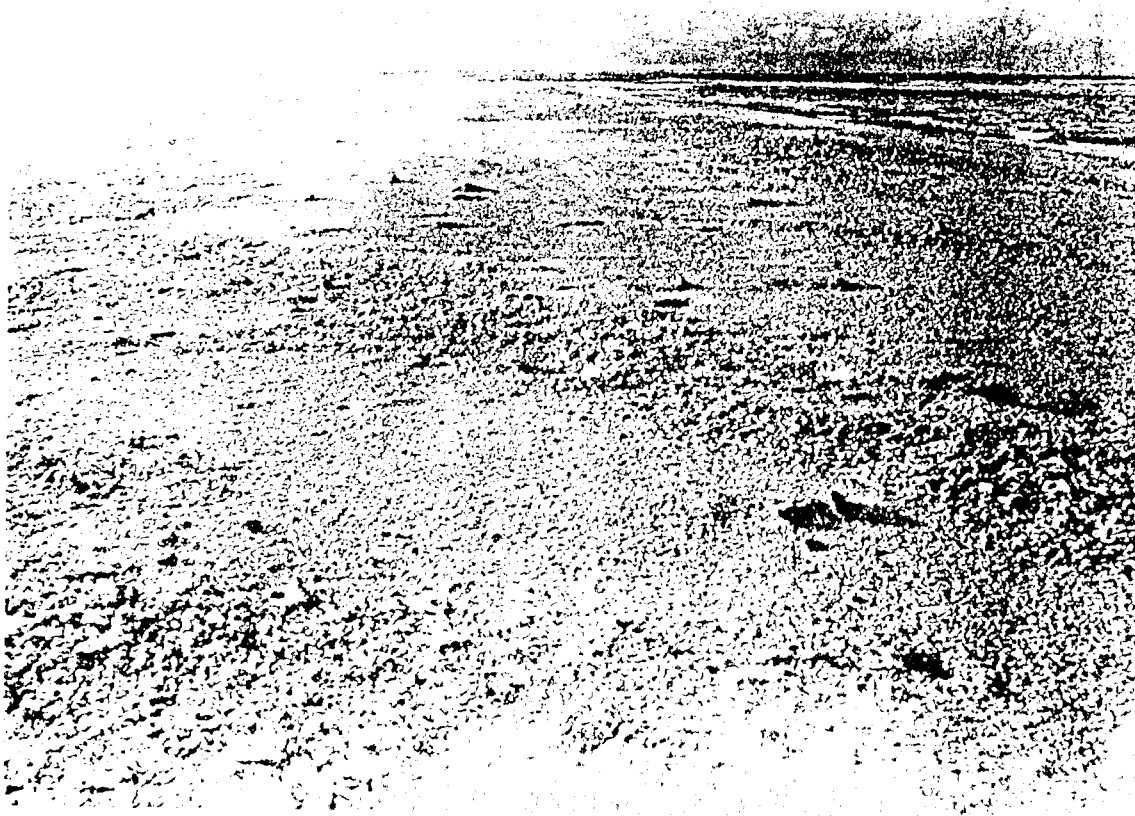


Some of the most famous deserts have
the same characteristics as the desert countries, with scrub
and sparse vegetation. The desert is the land
that is the most fertile and the most
productive of any other land.



And then there were the areas that could not be found, the obliterated sections in the Bufo Aomen section of the atoll, a watery blue crater where there once was an island, a stretch of crushed rock and incrigamic sand bar barely shouldering above the waves. Finding this, some Bikinians declared that their islands had lost their "C" trees.





I was told that the last historic survey on the island was in 1947. The land and waters that were lost will be recovered, but most of the infrastructure remaining to the future, a place that has been reformed from blast and neglect, is a part of the very cradle of the island's human community - even a single community might be founded and prospered through planning and time, boats, supplies, tools, parts, special materials, and more. It will require an agreement and made between government agencies to take money. Clearing the island's infrastructure, water, materials, and other resources cost an estimated 1.2 billion dollars. The overall rehabilitation budget is estimated to be necessary for the island to be able to support two million more people. The island's infrastructure to the island is a part of its future, but to turn the island into a better island many people will have to be put to work.

January 19, 1944

Honorable Edward F. Doherty,
Chief Inspectors
United States Department of Interior
Trust Territory of the Pacific Islands
Suva, British New Guinea

Dear Mr. Doherty:

By letter of January 17, 1943, at London, received from Office,
USAFIC, you were advised that by regarding the archaeological
of the Peter-Island group and asked if it would be possible to
to plant coconut palms. In a recent trip to the Pacific by
Robert Beard, of the Department of National Laboratories, advised
by Mr. Jack T. H. to check on two additional items:

1. Are there any restrictions on digging around trees on
Island on Bikini Island?
2. Can well crops drink well water on Bikini Island?

As to the question of safety of planting around trees on the Peter-
Island group, the results of studies of radiation and concentration
levels indicate that the levels in the vicinity of trees (Aeschynia),
Peter (Aeschynia), and Bora (Aeschynia), are within the limits of
4000. It would be safe to plant around trees there. Some digging
should not take place on the (Island). We suggest that the primary
jointed help to Bikini takes a logical direction, the location the
area that may be planted and the area where such digging should be
restricted.

There are no restrictions on digging operations on Bikini Island
from a radiological viewpoint. This would apply to both depth and
location. Areas depleted with water from Bikini Island, well water

Edward F. Doherty

Honorable Edward T. Donovan

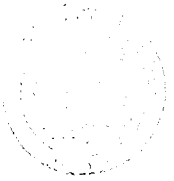
samples have been taken from a number of locations on the coast and a portion of the water is being tested. These indicate that there is a continuous violation, the water is dirty and brown. However, before such a violation is reported, it is necessary to have a sufficient number of samples to ensure it is possible. Also, we would like to gradually collect and analyze samples and see what is the nature of the violation. It is noted that the water is dirty and brown and that the violator may rely on a number of samples as a source of criticism without the possibility of being collected and stored whenever an violation is reported.

Sincerely,



William G. White, Director
Division of Operational Safety

- cc: Harrington, III
- Lee, IV
- Young, III
- Gilbert, III
- Morgan, IV
- Diamond, III
- Cooper, III



United States Department of the Interior

Office of Geology and Geophysics
Washington, D.C. 20248

July 1971

Dear Mr. Secretary:

The assessment of the B-100 which was used for nuclear weapons testing is resulting in a high degree of public interest. Public and congressional inquiries, a literature program, a book, a magazine, extensive newspaper articles, and school days have been held.

The vast territory of the Pacific Islands is prepared to contribute to our knowledge and understanding of the geology that underlies the islands and to provide the means for this. Recent geological information indicates a need for a comprehensive geological survey of the project area. It is suggested that the cost of such a survey be borne by the people of the project area. Many of the people of the project area are of the opinion that they are entitled to a share in the cost of the project. It is suggested that the cost of the project be borne by the people of the project area. It is suggested that the cost of the project be borne by the people of the project area.

The Energy Research and Development Administration is prepared to fund an additional geological survey of B-100 area beginning in April of 1972. Support can be provided to include:

- 1. Two helicopters and an associated support platform for about 30 days of flight operations at Bikini Atoll.
- 2. Aerial geology at Bikini Atoll and return for 1000 technical equipment and personnel.

There is a large area problem of geology, a program of investigation of the geology of the islands that are under study. This work could be started in April of 1972. This work could be started in April of 1972. This work could be started in April of 1972.



From Energy and Sea Service, American

UNITED STATES DEPARTMENT OF JUSTICE

BY MAIL ONLY

Mail to: Mr. Robert J. Casper
Acting Director of the FBI
Washington, D.C. 20535

Enclosure: 10 copies

This is in response to your letter of 12/14/77, requesting help in support for the conduct of an additional investigation, on a copy of a letter dated and captioned as above referred to from the New York office of the FBI.

It is noted that you have indicated that you have been advised by the New York office of the FBI, on 12/14/77, regarding the above captioned matter, but that the Department has not been able to provide the requested support at this time.

We may be able to consider providing further support if you have any further available. However, please understand that we are unable to provide such support at this time. It is suggested that you may wish to contact the New York office of the FBI, at the phone number listed in order to obtain further information on the matter.

[Handwritten signature]
Agency

1/10/78

the other side of the street and around the corner, in all the possible ways. In addition, we should make sure you are aware of the fact that the people on the other side of the street should be treated as if they are not there.

It appears that one of the things that has happened is that the people who are working on the other side of the street are not aware of the fact that they are not there. This is a very serious problem and it needs to be solved as soon as possible.

The other side of the street is a very busy area and it is very important that the people who are working on the other side of the street are aware of the fact that they are not there. This is a very serious problem and it needs to be solved as soon as possible. The people who are working on the other side of the street should be treated as if they are not there. This is a very serious problem and it needs to be solved as soon as possible.

The other side of the street is a very busy area and it is very important that the people who are working on the other side of the street are aware of the fact that they are not there. This is a very serious problem and it needs to be solved as soon as possible. The people who are working on the other side of the street should be treated as if they are not there. This is a very serious problem and it needs to be solved as soon as possible.

Very truly yours,

(s) Gordon G. Lippert

Special Assistant to the Director

Hon. Robert G. Ball, Jr.

Administrator

George H. Brown, Jr.

Administrator

Washington, D.C. 20541

Enclosure

Administrative Services of the Labor

Bill Lyle, Room 200

Gen. Services Bldg.

Washington, D.C. 20541

John P. Lyle, Room 200

Gen. Services Bldg., Room 200

Washington, D.C. 20541

Mr. Lyle, Room 200

Washington, D.C. 20541

Mr. Lyle, Room 200

Washington, D.C. 20541

OF SYDNEY, AUSTRALIA

LEON AND THE UNUSUAL WEAPON

HELEN, 27, the first woman in a small town in the world. You know the name, don't you? It's the name of the ship that was built for the war, and it's the name of the woman who built it.

She was a young girl when she was born, and she was a young girl when she was born. She was a young girl when she was born, and she was a young girl when she was born.

She was a young girl when she was born, and she was a young girl when she was born. She was a young girl when she was born, and she was a young girl when she was born.

She was a young girl when she was born, and she was a young girl when she was born. She was a young girl when she was born, and she was a young girl when she was born.

She was a young girl when she was born, and she was a young girl when she was born. She was a young girl when she was born, and she was a young girl when she was born.

THE FIRST VOICE

My first voice was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

My first voice was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

My first voice was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

AND THE VOICE

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

AND THE ANSWER

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain. It was a cry of pain, and it was a cry of pain.

WARRANT OF CAPTURE

UNITED STATES MARSHAL SERVICE, DISTRICT OF COLUMBIA

WARRANT OF CAPTURE FOR THE ARREST OF THE FOLLOWING NAMED PERSONS

THURSDAY

October 20, 1978 Vol. 1 No. 157 1st Cir.

WASHINGTON, D.C. 20535

Don'ts Leukemia Kills 11-Year-Old Boy

Daily News Item

WASHINGTON — If you've ever seen the body of a dead African home to the United States...

Arjun, 19, died here at Bethesda Naval Hospital as an apparent victim of acute lymphocytic leukemia from an American hydrogen bomb test 10 years ago.

He was the last known child ever linked to a hydrogen bomb accident in a civilian U.S. home, the accident of March 31, 1959.

On that day, workers at Rongelap Island — including Arjun and his father — were

ordered to "show up" at the beach. Arjun was the youngest child, 10 months old. He had not yet had his first birthday. He was with his mother and father when they were ordered to leave the island.

The hydrogen bomb test was the first of a series of tests by the United States in the Pacific Ocean.

Arjun's father, Rongelap, was one of the few people who were not evacuated from the island. He was with his family when the hydrogen bomb was exploded.

Arjun was born in the United States in 1959. He was the only child of his parents who was born in the United States.

The hydrogen bomb test was the first of a series of tests by the United States in the Pacific Ocean. Arjun was the youngest child, 10 months old. He had not yet had his first birthday. He was with his mother and father when they were ordered to leave the island.

Arjun was born in the United States in 1959. He was the only child of his parents who was born in the United States.

Arjun and the "Don'ts" were the only children of their parents who were born in the United States.

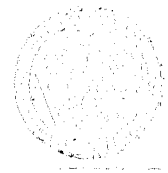
Arjun and the "Don'ts" were the only children of their parents who were born in the United States.

Arjun and the "Don'ts" were the only children of their parents who were born in the United States.

Arjun and the "Don'ts" were the only children of their parents who were born in the United States.

BLACK RIGHTS

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C.



October 1967

Blacks May Fight by Christmas

The Trust Territory Government has the obligation to transport 100,000 tons of food from the island of Pohnpei to the Marshall and Tokelau Islands, according to United States officials. The Trust Territory Government has the obligation to transport 100,000 tons of food from the island of Pohnpei to the Marshall and Tokelau Islands, according to United States officials.

Deputy Administrator of the Trust Territory for Pohnpei, and that a total of 100,000 tons of food will be transported by the Trust Territory Government to the Marshall and Tokelau Islands, according to United States officials.

The people of Pohnpei have been fighting for 100,000 tons of food from the island of Pohnpei to the Marshall and Tokelau Islands, according to United States officials.

Deputy Administrator of the Trust Territory for Pohnpei, and that a total of 100,000 tons of food will be transported by the Trust Territory Government to the Marshall and Tokelau Islands, according to United States officials.

The Trust Territory Government has the obligation to transport 100,000 tons of food from the island of Pohnpei to the Marshall and Tokelau Islands, according to United States officials.

Deputy Administrator of the Trust Territory for Pohnpei, and that a total of 100,000 tons of food will be transported by the Trust Territory Government to the Marshall and Tokelau Islands, according to United States officials.

The people of Pohnpei have been fighting for 100,000 tons of food from the island of Pohnpei to the Marshall and Tokelau Islands, according to United States officials.

Editorial Note: This is a reproduction of the original document as it appears in the public domain. It is not intended to be a substitute for the original document.

This document contains information that is not to be distributed outside the Bureau of Land Management. It is the property of the United States Government and is loaned to you. It and its contents are not to be distributed outside the Bureau of Land Management.

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA

FOR THE DISTRICT OF HAWAII

THE PLAINIFFS OF PETITION, by and through
COUNCIL, MORE RESIDENTS, and others;
NATHAN ROYAL, Petitioner; MARIA LARSEN, Plaintiff;
JUDA, JUDITHA, and others, for PLAINTIFFS
BALM.

LEVEL 10

10-10-10

Plaintiffs,

vs.

ROBERT C. SHAMANS, III, Administrator of
United States Energy Research and
Development Administration, WILLIAM J.
STANLEY, Director, Pacific Area Impact
Office, United States Energy Research and
Development Administration, JAMES R.
SCHLEIFING, Secretary of Defense, JAMES
FRIZZELL, Acting Secretary of Defense,
FRED H. EEBER, Director, Office of
Territories, United States Department
of Interior, EDWARD K. JOHNSON, High
Commissioner, Trust Territory of the
Pacific Islands, OSCAR BERTON, District
Administrator, Marshall Islands
District, Trust Territory of the
Pacific Islands, and GEORGE W. BUSH,
President of the United States,

Defendants.

Plaintiffs

To Defendants:

You are hereby commanded to appear in active case

Plaintiffs' attorneys:

ROBERT W. LEECH
Attorney at Law, Pacifica Company
Building, 643
P. O. Box 575
Honolulu, Hawaii 96808
Telephone: 777
Cable Address: 13-0102

DARWIN E. MATHIAS
Attorney at Law, Pacifica Company
Building, 643
P. O. Box 575
Honolulu, Hawaii 96808
Telephone: 625/667/6672
Cable Address: 13-0102

JENNIFER A. WILCOX
Government & Politics
500 Connecticut Ave., N.W.
Washington, D.C. 20006
Telephone: 202-637-6218
Telex: 89-588
Office Address: Docket

DAVID A. STONE
FRENCH JR. STONE
Legal Administration of Justice
Office 707
200 N. Virginia Street
Washington, District of Columbia
Telephone: 800-368-7507

an answer to the complaint within 30 days after the date of service upon you,
within 60 days after service of this summons upon you, whichever
of the day of service. If you fail to do so, judgment by default
will be taken against you for the relief demanded in the complaint.

Clerk of Court

Deputy Clerk

DATED: Honolulu, Hawaii,

Note: This summons is subject pursuant to Rule 4 of the Federal
Rules of Civil Procedure.